

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

STEVE JACKSON, Register No. 191317,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-4170-CV-C-NKL
	)	
DWAYNE HEATHER, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On November 30, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed, although plaintiff requested and was granted an extension of time until January 20, 2006, in which to do so.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's claims against the John Doe defendants are dismissed, pursuant to Fed. R. Civ. P. 4(m). It is further

ORDERED that plaintiff's motion for summary judgment is denied, defendants' motion for summary judgment is granted and plaintiff's claims are dismissed [43, 50].

/s/  
\_\_\_\_\_  
NANETTE K. LAUGHREY  
United States District Judge

Dated: January 30, 2006  
Jefferson City, Missouri